

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:18CR445-1
	:	
JARED THOMAS MARVIN	:	

FACTUAL BASIS

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

In February 2017, the stepfather of a 10 year-old girl, Minor-1, reported to Massachusetts law enforcement that an individual pretending to be a minor requested inappropriate pictures from Minor-1 via the Musical.ly application.¹ Detectives retrieved Minor-1's phone from her stepfather and documented a Musical.ly direct message chat between Minor-1 and user Rachelfrench12345, subsequently identified as Jared Thomas MARVIN. The chat occurred on January 31, 2017. MARVIN, purporting to be a girl around Minor-1's age, cajoled Minor-1 into taking and sending an image of her bare chest.

¹ Musical.ly is a social networking application that enables users to create videos and live broadcasts. Users record 15 second to 1 minute videos in one or multiple shots. The recording can then be paired with songs and sounds. Users can follow each other and "like" content that appeals to them.

Rachelfrench12345 then directed Minor-1 to “pull your pants and panties down and show me.” MARVIN promised to increase Minor-1’s followers on Musical.ly if she sent the requested image. Minor-1 declined and texted, “please I feel like I’m going to puke.” MARVIN responded “Do it” and, to demonstrate what he wanted, sent Minor-1 an image of a prepubescent minor displaying her vagina followed by the text “Show me that.” In response, Minor-1 asked MARVIN to delete her as a Musical.ly contact. The full Musical.ly chat between MARVIN and Minor-1 is attached.²

Musical.ly records revealed that the Rachelfrench12345 account was opened on January 16, 2017 and frequently used IP address 173.212.28.32, including on January 31, 2017. Further, the phone number (336) 710-2482 was associated with the account. A database and Facebook search of the phone number revealed that it was associated with Jared Thomas MARVIN of Mount Airy, North Carolina. The IP address resolved to an account owned by MARVIN’S grandmother at her residence in Mount Airy, North Carolina where MARVIN resided.

² The attachment is filed under seal pursuant to 18 U.S.C. § 3509(d)(2). Images depicting nude minors contained in the attachment have been partially or fully redacted. Messages on the left are from Rachelfrench12345, MARVIN, and those on the right are from Minor-1.

On April 21, 2017, Surry County Sheriff's Office Detective S.G. Hudson conducted a knock-and-talk at MARVIN'S residence. MARVIN agreed to speak with Detective Hudson. When Detective Hudson explained that he was investigating inappropriate messages received by a minor, MARVIN dropped his head and admitted that he was responsible. MARVIN acknowledged that the Rachelfrench12345 Musical.ly account belonged to him. He explained that he saw Minor-1's video on Musical.ly and started communicating with her in an attempt to obtain nude images. He admitted that he knew she was approximately 11 years-old. MARVIN stated that he wanted to see nude girls and didn't care about their age. He told investigators that he possessed many nude images of minors on his MacBook Pro and an old phone, an iPhone 6.

MARVIN gave investigators verbal permission to look at his devices and agreed to speak with investigators at the Sheriff's Office. MARVIN collected and gave Detective Hudson multiple electronic devices including, a MacBook Pro, a white MacBook, an iPad, and an iPhone 6.

MARVIN drove himself to the Sheriff's Office where he signed a written consent to search his devices and again spoke to investigators. He stated that the number for his old phone, the iPhone 6, was (336) 710-2482. He explained that he had been sending and receiving nude images online since he was 15

years-old. He estimated that the age range of those depicted in the images was 11 years and up and that he possessed more than 500 photos. He explained that it was easier to obtain nude images if he pretended to be a female. When asking for images, MARVIN said he would be straightforward and “nice about it.” He estimated that he asked approximately 100 girls between 11 and 15 years of age for images depicting their private parts. He estimated that he was successful about 65-70% of the time.

He described himself as an addict and insisted he wasn’t a predator. He explained that, at the time, he didn’t feel like he was doing anything wrong but is now disgusted with himself. MARVIN claimed he never inappropriately touched a minor. MARVIN left the Sheriff’s Office with his mother. He was subsequently arrested on July 27, 2017.

North Carolina State Bureau of Investigation (SBI) Special Agent (SA) Nathan Anderson took possession of MARVIN’S devices for forensic analysis. The results are as follows:

Apple iPhone 6

- Contains 589 images and 138 videos depicting child pornography. The created-on date range of the files is October 2014 to April 17, 2017.

- Username Rachelfrench1233 and display name “Rachel French” are associated with a Musical.ly account on the phone.³

Apple iPad

- Contains 110 images and 31 videos depicting child pornography. The created-on date range of the files is April 2015 to October 18, 2016.
- The child pornography images include several screen captures created on August 24, 2016 by the user of the iPad. These images depict a Snapchat⁴ communication with an individual subsequently identified as Minor-2. At the time, Minor-2 was 12 years-old. MARVIN was 21 years old. The images depict, among other nudity, Minor-2 exposing her vagina.
- The child pornography also includes several screen captures, both image and video, created on October 18, 2016 by the user of the iPad. These files depict a Snapchat communication with an individual subsequently identified as Minor-3. At the time, Minor-3 had just turned 14 years-old and was prepubescent. MARVIN was 21 years old. The images and videos depict Minor-3 exposing her vagina and performing a sex act on herself.

³ Note that this username is slightly different than the one used by MARVIN to commit the offense against Minor-1.

⁴ Snapchat is a multimedia messaging application. One of the principal features of Snapchat is that pictures and messages are usually only available for a short time before they become inaccessible to the recipient.

Apple MacBook Pro

- Contains 695 images and 456 videos depicting child pornography as well as a few chats with individuals purporting to be minors.
- Contains the images MARVIN distributed to Minor-1 using the Rachelfrench12345 Musical.ly account.
- The longest running chat conversation, January 2014 to December 2014, was with an individual subsequently identified as Minor-4. Minor-4 was 14/15 years old during 2014 while MARVIN was 18/19 years old.'

Apple MacBook

- Contains child pornography and is currently being processed by SBI.

SA Anderson and Detective Hudson interviewed Minor-2. Minor-2 stated that she knew MARVIN through mutual acquaintances. MARVIN sent Minor-2 a friend request which she accepted. Minor-2 never met MARVIN in person. She recalled communicating with MARVIN during the summer before she entered 7th grade. Minor-2 was initially not fully forthcoming about the content she sent MARVIN. However, when confronted with child pornography images of her found on MARVIN'S phone, she became emotional and admitted she sent the pictures to MARVIN via Snapchat. Minor-2 explained that she took pictures of her vagina because MARVIN asked her to take off her pants. MARVIN repeatedly asked Minor-2 to "hangout." Minor-2 was sure he knew

her age because, when she told him, his response was “age is nothing but a number.”

An Illinois law enforcement officer interviewed Minor-3. While the law enforcement officer recognized Minor-3 as the minor depicted in video and image files recovered from MARVIN’S iPad, Minor-3 denied communicating with MARVIN or sending files of herself to strangers. When confronted with a sanitized image from MARVIN’S iPad, Minor-3 identified herself and began to cry uncontrollably.

SA Anderson and Detective Hudson interviewed Minor-4. Minor-4 explained that she met MARVIN at his former place of employment. She stated that she communicated with MARVIN on Snapchat and that half of the conversations were sexual in nature. She said that MARVIN asked for nude images of her and that she sent them to him. These included images depicting her vagina. Minor-2 ceased her interaction with MARVIN because she heard that he was involved with another girl.

As of January 2019, computer forensics revealed that MARVIN possessed in excess of 1000 images and 600 videos depicting child pornography, as defined in Title 18, United States Code, Section 2256(8)(A).

This the 2nd day of January, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2019, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David B. Freedman, Esq.

Respectfully submitted,

/s/ ERIC L. IVERSON
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